

**CONSERVATION COMMISSION**  
**MINUTES OF THE MEETING**  
**WEDNESDAY, SEPTEMBER 5, 2007 – 7:00 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**ROBERT GULLA, CHAIRMAN**

**MEMBERS PRESENT**

Robert Gulla, Chairman  
Ann Jo Jackson, Vice Chair.  
William Febiger  
John Feener  
(Brandon Frontiero)

**MEMBERS ABSENT**

Arthur Socolow  
Charlie Anderson

**STAFF PRESENT**

Nancy Ryder, Conservation Agent  
Carol Gray, Recording Clerk

Ms. Ann Jo Jackson, Vice Chairman opens the meeting and forgoes the reading of the agenda as there is no one from the general public present at this time.

**CLOSURE OF HEARINGS, REVIEW OF FINAL INFORMATION AND AMENDMENTS AND SIGNING OF PERMITS/DECISIONS**

**1120 WASHINGTON STREET** NoI 28-1901 Lanesville Orthodox Congregational Church for a storm water detention basin in the buffer zone.

The Agent recommends that Mr. John Judd either revamp this plan or withdraw. If they don't revamp it she recommends that they deny the project in regards to the storm water management.

They would be taking down one building to build a larger youth center in Lanesville.

The storm water design cannot handle existing impervious wetland on the property.

**MOTION:** Mr. Feener moves to notify Mr. Judd of the alternatives.

**SECOND:** Mr. Frontiero      **VOTE:** 4-0 in favor

**228 ATLANTIC ROAD** (NoI)

The Agent notes that this was approved at a previous meeting. The work is done and the matter is on the agenda for the GCC to sign this evening.

Signed by all members present.

**31 RIVER ROAD** (CoC)

Ms. Jackson inquires with the members in regards to any questions or concerns they may have regarding this issue. She asks for a motion to approve as the Agent has recommended to the Commission an approval of the project as the planting is done and stable.

**MOTION:** Mr. Feener moves to approve

**SECOND:** Mr. Frontiero      **VOTE:** 4-0 all in favor

**PUBLIC COMMENT:** This is the time for any members of the general public to speak about environmental issues not listed on the agenda for this evening. NONE  
Mr. Feener made an inquiry in regards to recommendations regarding soil testing.

## **PUBLIC COMMENT PERIOD CLOSED**

### **ACCESS WAY TO THE BEACH –**

Michael Scognamiglio to discuss the Letter Permit issued for access way to the beach. He will not be able to attend, but the Agent is requesting the GCC consider the issue and the permitting structure and re-evaluate whether they wish to continue with this process and in what manner.

This discussion can be tabled to a later meeting. The Agent reviews the issues regarding this plan with the GCC.

7:15 PM Ann Margaret, rep. Mr. Scognamiglio.

Ms. Ryder continues to review the plan with the Commission and notes the Letter Permit in re: the boardwalk. The individual never signed the application and had no right to use the area in question to begin with. She noted a word of caution to the GCC stating that the Letter Permit does not imply property rights.

She is asking the GCC to revoke the Letter Permit as it was not signed and the individual has no right to the property.

Ann Margaret, Atty. for the applicant notes that Mr. Scognamiglio is environmentally conscious.

Ms. Jackson inquires as to who the co-owner is and Ann states a Mr. Sullivan.

Ms. Jackson notes this as being a sore spot. She feels it is not fair to put the burden on the property owner and is in disagreement with Linda Lowe.

The Agent notes that now they are requiring a signature from the landowner in receipt of a mailing.

Mr. Gulla inquires as to why the GCC is getting into a land issue.

The Agent explains that the GCC is really not doing that.

Mr. Gulla notes that he is not totally on board with the comments made by Ms. Jackson and notes that he just wants to judge the conservation aspects of the issues.

Ms. Jackson notes that the GCC should not move forward on an application unless it is from the owner or the owners consent is given. She notes that the GCC should not burden the homeowner to rectify an issue that someone else has implemented.

Mr. Gulla inquires as to whether or not that has happened with Ms. Jackson stating yes and notes someone building but not owning the property. She feels there is middle ground here somewhere.

7:24 Mr. Febiger arrives and takes his place with the other members of the GCC.

Ann notes that the owners in this case woke one morning to surveyors on the property with permits and no notice.

Ms. Ryder notes that if we have reasonable evidence that they are not the owners then we need to address that. It now says "owner" on the application for the permit.

Ann states that possibly a certified notification is necessary with a signature being required.

Ms. Jackson notes that re: the application, it now says owner and must be signed.

Ms. Jackson asks if there is to be any further discussion regarding this issue and will entertain a motion to revoke the Letter Permit.

MOTION: Mr. Feener moves to revoke the Letter Permit.

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor

In regards to the second phase Ms. Ryder notes this being an unfortunate circumstance. We have created a modified RDA process with proof of owner and no impact rather than coming before the GCC and noted a reduced filing fee.

Mr. Gulla inquired as to the worst case scenario.

Ms. Ryder offers an explanation using an example re: the boardwalk issue. She notes further examples for the GCC to assist in their understanding of the issues at hand.

Letter Permits previously issued were discussed.

Ms. Jackson notes in regards to the general public speaking at this time that it is a courtesy to allow them to comment and not something that has to be done.

Mr. Feener inquired as to a time increase from 48 hrs. to 2 weeks.

Ms. Ryder notes that either way it has to be the owner and signed by aforesaid.

Ms. Jackson asks the Agent if this requires a vote and she stated no it will become part of the Letter Permit process.

### **CEDARWOOD ROAD** (242)

Proposal for restoration and mitigation, submitted by the City of Gloucester for stream and culvert repair behind Cedarwood Rd.

Mr. Mike Hale, Eng. Dept. and Mr. Joe Parisi, Director of the DPW present.

Mr. Hale notes this as a late submittal and a response to the NoI to an Enforcement Order. He notes and discusses the modifications, the delineation of the WL and the sequence plan for restoration.

Mr. Gulla notes that the GCC has the old plan in front of them.

Ms. Ryder finds the new plan and all members of the GCC review it.

Mr. Hale notes that under the Emergency Cert. the scope of the work was strayed but they are ready to go forward with the work now. He notes a complete day lighting or a type of culvert w/day lighting. The sequence plan is done for the work to be performed and notes the restoration portion to be done in September. The types of machinery to be used were discussed.

Mr. Mike Hale discussed restoration.

The Filtrexx Stabilization System was noted. He notes two ways to stabilize the bank which are listed on the plan. He notes the manhole behind no. 1 Cedarwood as being in bad condition. He states this being a short term fix with long term NoI but under this he notes the manhole and headwall re: Concord St. and Atlantic, a tidal fix.

He estimates that it will require one mason and a mason's helper for 1 day.

He notes that this can make a great improvement and buy us some time for the NoI.

Mr. Hale further notes the dead trees and a discussion he had with Mr. Parisi who states it may make sense re: the day lighting and the timing now may not be good.

He states that the DPW crews may be too busy with routine fall maintenance as it is at least a weeks worth of work.

Ms. Jackson inquires as to this being exploratory and Ms. Ryder states no, that it is in two pieces: Restoration/NoI.

Mr. Hale discusses the flooding problem and notes that the channel is undefined and the culvert is not clear.

Mr. Febiger inquired as to the location of the dump truck and Mr. Hale states that with permission from the Marshall's' and will work with them as there is no easement but the Marshall's' seem favorable to allow access, but he will speak to them regarding this issue.

A4/A3 egresses were noted on the plan.

Mr. Febiger inquired as to the excavator going back and forth or can it just reach.  
Mr. Hale notes that there will be two movements and states that this is a pretty restricted site re: movement and notes that the tree canopy is pretty dense in that area.

Mr. Febiger inquires as to the trapezoidal site and does the shape of it change with storms. Mr. Hale notes it as being the preferred shape and explains why noting the volume of flow. He states that it is hard to say what is natural and what not re is: the delineation.

The Agent notes in previous times a ditch was dug but did not stabilize the area.

Mr. Hale notes this plan as being relatively to scale.

Mr. Feener notes A4/A3 on the plan and asks how far a John Deere tractor will be going back and forth, noting that the compaction of soils is a problem.

Mr. Hale notes the area as being a boulder field which were put there to create an access way which is totally disturbed so anything that is done will be better. He estimates this to take one days work.

Mr. Feener inquired as to wood chips.

Mr. Gulla notes the project to be overseen by the Eng. Dept and operating manager of the DPW. Ms. Ryder states that this can be noted as a condition with Mr. Gulla in agreement.

PUBLIC COMMENT:

Ms. Julie Ramsdell inquires as to any tree removal with Mr. Hale stating 1-5 trees to be removed but not until all the work is to be done. Some trees have fallen over with those slated to come out now. He would like to postpone the tree removal until the full NoI.

Ms. Ramsdell stated that she would support the removal of the trees now and that she would support an access through her yard for equipment and notes that the access would be welcomed.

CLOSED

Mr. Hale notes that the full NoI needs to be in conjunction with any other notices.

Mr. Hale discusses finances noting from an operational standpoint it has to be determined if this project fits into the budget or there may be a need to go to the Gloucester City Council. He would like to continue with the NoI and receive funding and staffing.

He notes a possible outsourcing having it advertised for public bidding.

Ms. Jackson notes her concern regarding time passing having to deal with City Council, etc. not wanting to have it put off and ending up 2 years down the road with this.

Mr. Hale states that with access from the abutters he can move forward with the restoration.

Julie Ramsdell notes that the current Council is amenable to this.

Ms. Jackson states she will entertain a motion to approve the restoration, the equipment with protection and no compacting, oversight by the Eng. Dept., deadfall removal with standing tree removal waiting for the NoI, with the NoI by January, this to be done by the next dry season.

Ms. Ryder notes that it is probably not likely for this to move quickly through the current City Council with the volume of work they have so that it will probably be voted on by the next Council.

MOTION: Mr. Feener moves to approve the restoration plan with the aforesaid conditions

SECOND: Mr. Febiger

VOTE: 5-0 all in favor

CEDARWOOD continuation – 11/02/07 7:30 PM.

\*\*\*\*RAMSDELL\*\*\*\* ER Order request -

Julie present.

Mr. Gulla reviews the plan noting that a certain amount of fill is needed to have a useable yard.

Ms. Ryder notes an Emergency request regarding this issue.

Mr. Gulla notes the Emergency Order allows the applicant to fill a certain amount of the backyard. He further notes the grade being raised 4 ft, about 20 ft. to the dry riverbed.

The City has been working on this in regards to a previous issue.

Julie would like the ER to be approved to save her yard.

Mr. Gulla notes that Mike Hale should be involved with Ms. Ryder noting that being a good idea. She further states that the land is subject to flooding. She then discussed the project further with Julie and the GCC. Julie discussed the Willow trees with Ms. Ryder noting that she may want to talk with Mr. John Feener GCC member as he has expertise re: trees. Julie notes huge branches coming down off the trees with Mr. Feener noting that Willow trees, by nature, fall apart. Further noted: the trees are on 9 Fenley Rd.

Ms. Ryder notes that they can GPS the trees to see who the owners are.

**PUBLIC COMMENT:** None, Closed.

Ms. Jackson states she will entertain a motion to approve the ER Certification.

**MOTION:** Mr. Febiger

**SECOND:** Mr. Fronterio **VOTE:** 5-0 all in favor

NoI in process, approval to fill to that line, maximum of 60 days, a copy in writing signed by the GCC. Mr. Gulla notes being careful regarding an easement and not creating a way.

**NILES POND ROAD** (Maps 135 & 136) NoI (Niles Pond Resident Association)  
Installation of two additional catch basins along Niles Pond Road.

Mr. William Manuell present for the Assoc. noting this as an amendment as the plan has been revised. He notes the OoC for the catch basins as the work has been done. The work was done neatly and undetectable. A third area was found towards the retreat. He would like to amend this to take care of the third area.

The location is the upland area with grade level matching and a pipe for under the road.

Mulch socks will be used for erosion control. He notes this as being a repeat of what was done last year and was hoping that the same conditions could carry over.

He would like to amend the OoC to reflect the advised plan.

Ms. Ryder notes that drafts are not ready but she has no concerns and no issues. She notes the project thus far as being well done, well protected and no evidence of any adverse impact.

Mr. Gulla inquired as to a management plan for cleaning with Ms. Ryder noting that they can require a management plan for the whole road.

Ms. Jackson inquires with Mr. Manuell as to being ready to proceed at the next meeting with Mr. Manuell stating yes and Ms. Ryder asking for all issues and Mr. Manuell stated yes.

**PUBLIC COMMENT:**

Ms. Lang notes that water flows to the end of her driveway and turns to ice. She notes that she either spins out or goes into the shrubs under those conditions. She feels it is extremely dangerous and water flows like a river down her driveway.

CLOSED

Mr. Gulla inquires as to re-grading with Mr. Manuell stating none.

Ms. Jackson asks for a motion to approve the amendment re: 2 new catch basins, Engineering Dept. overseeing the project and the conditions from the previous plan.

MOTION: Mr. Febiger moves to approve

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

cont. for final approval pending maintenance plan and approval from the Eng. Dept.

9-19-07 7:05 PM

**25 NILES POND ROAD** (Map 136, Lot 51)

Request for Determination of Applicability, submitted by Allen Crocker to conduct soil test, restore BVW buffer and upgrade the septic system.

The Agent notes a request by the applicant for a continuation to 09/19/07 8 PM

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Frontiero VOTE: 5-0 all in favor

**458 WASHINGTON STREET** (Map 109, Lot 1)

NoI submitted by Mr. Frank Piraino to construct a seasonal gangway and float on Mill River.

Mr. William Manuell present as well as the applicant Mr. Piraino.

Mr. Manuell notes an opinion by the surveyor and states that the GCC will have that information for the next meeting. He notes the proposed seasonal ramp and float and the utilization of 2 large boulders. The seasonal structure will span the two boulders.

He notes going back 101 years for the title and nothing shows he has rights re: the public way and wants seasonal temporary use.

The Agent notes that typically this commands a riverfront review.

She further notes that whatever is to be approved needs to be with the least impact possible.

Ms. Jackson asks if there are comments from Shellfish and the Agent states yes.

Mr. Gulla inquires as to upland storage and Mr. Manuell stated yes.

Mr. Gulla inquired as to any comments from Dave Sargent and Mr. Manuell stated that he submitted comments initially on 07/16/07.

Ms. Ryder notes that an additional site visit with Dave Sargent is needed.

PUBLIC COMMENT: none/closed.

Ms. Ryder notes a site visit to be done with Jim, Dave and herself as the Agent for the GCC. Further noted was a call to be placed by Frank to \*\*\*\*\*.

Mr. Gulla notes the standoffs and the number regarding: inches and a need to know from Dave if the figures are correct.

Ms. Jackson states she will entertain a motion to continue for comments from Shellfish and a Legal opinion to be submitted as well.

MOTION: Mr. Feener moves to continue the matter to 09/19/07

SECOND: Mr. Febiger VOTE: 5-0 all in favor.

**37 REYNARD STREET** (Map 107, Lot 1, 2) **NEW**

This is a request for determination of applicability submitted by Michael Carlson for construction of an addition, an above ground pool and a pergola.

Mike Carlson, present to discuss the plan before the GCC. The GCC reviews the plan.

Mr. Carlson notes that the pergola is not noted on the plan but it is to be used over the deck for shade purposes.

Ms. Jackson inquires as to the shape of the deck being a U with Mr. Carlson stating yes. He states that he wants to use pavers but is in discussion with the Agent regarding this issue. He notes the use of plantings along the stream bed with 2 to 1 mitigation.

The Agent notes that the GCC needs to make a finding re: mitigation.

Mr. Gulla notes the pool and kitchen as being sufficient.

Ms. Ryder states that the regulation is only re: pre existing lawn.

Mr. Carlson states that stone will be under the deck using a diameter such that it creates a pervious surface.

He notes the deck and 75 ft from the stream. He further states that 50 ft or greater we are allowed to use an RDA.

1116 sq. ft. of mitigation including a little extra. 518 sq. ft were noted with 20 sonatubes adding another 40 sq. ft. for the sonatubes.

Mr. Febiger inquired as to the pool discharge with Mr. Gulla stating that you have to wait 2 weeks for the chlorine to dissipate, discharging upland.

PUBLIC COMMENT: none/closed.

MOTION: Mr. Febiger

SECOND: Mr. Feener

VOTE: 5-0 all in favor

Noted: slotted deck ½ inch apart, mitigation of 1116 sq. ft. (native plantings) along the edge of the structure, stone under the deck such as to create a pervious surface. (+2A, +5, -3).

#### **5 RACKLIFFE STREET** (Map 129, Lot 16) **NEW**

NoI, submitted by Robert Perry to replace existing pilings and decking on the pier.

Ms. Ryder, Agent for the GCC reviews stating that the pilings installed which are the subject of this review are spaced more widely than was originally.

The Agent continues stating that a site visit was Dave and Jim indicated that this is an expansion of the 91 license and could allow expansion of the decking, should be in line with previously existing. Both agreed that the pilings had existed before.

Neither Dave nor Jim had a concern with the location as it does not impact the navigation channel and is not in an area of prolific shellfish. Both Dave Sargent and Tay Evans of DMF have submitted comments that are in the file.

The Agent inquires as to how long the pier has been down.

Mr. Perry states the pier was taken down to replace the pilings and that someone had fallen through it.

Ms. Jackson notes that the float stops added another 18 inches.

Mr. Gulla inquires as to any formal documents being filed by Dave Sargent with the Agent stating yes.

PUBLIC COMMENT: none/closed.

Ms. Jackson states she will entertain a motion to approve the project w/conditions.

MOTION: Mr. Feener moves to approve the project with noted conditions:

the pilings are to be aligned and the float stops at least 18 inches.

SECOND: Mr. Frontiero

VOTE: 5-0 all in favor with aforesaid conditions.

8:55 PM MOTION: Mr. Gulla moves to recess for 5 minutes

SECOND: Mr. Feener

VOTE: 5-0 all in favor

9:00 PM Meeting resumes.

**54 GRAPEVINE ROAD** (Map 76, Lot 37)

Request for Determination of Applicability submitted by Frank Burnham for construction of an above ground pool and discussion and resolution of a fill violation.

The Agent notes that the applicant has asked for a continuation. She further notes that she met with the applicant on site and reviewed the work that was done. Fill without a permit has been conducted. The applicant will amend the filing to reflect the work already conducted and come back to the GCC.

**MOTION:** Mr. Febiger moves to continue the matter to 09/19/07 8:30 PM

**SECOND:** Mr. Feener **VOTE:** 5-0 all in favor

**17 HORTON STREET** (Map 128, Lot 22) **NEW**

NoI, submitted by Theodore Williams to construct a pier, seasonal gangway and float.

The Agent notes that the applicant has requested a continuation to 10/03/07 8PM

She further notes that when the revised plan comes in a site visit is in order.

**MOTION:** Mr. Feener moves to continue the matter to the above date and time.

**SECOND:** Mr. Febiger **VOTE:** 5-0 all in favor

**16 PERRYWINKLE LANE** (Map 92, Lot 91) **NEW**

NoI, submitted by Peter Cahill to replace a foundation under an existing dwelling, addition to the second floor and construction of an addition.

Peter Cahill and Jill \*\*\*\*\* present.

Mr. Cahill notes the parts to the plan stating he wants to lift the house and pour a new foundation, build a small addition on the east side, (9x10) away from the river, increase the kitchen space and increase the living space. Photos were submitted as well as all analysis data and the construction sequence updated.

The Agent notes that all submission requests have been submitted. She has no concerns but this is still under review with DEP. There is a DEP number but no comments as of yet.

Mr. Gulla inquired as to mitigation and location.

Ms. Ryder states 2 to 1. Mr. Cahill notes the location and will draw it in red on the plan in the upper right hand corner.

Mr. Gulla inquired as to the footage and Jill stated it is to be a 9x10 small addition.

Mr. Gulla notes the figure of 225 sq. ft. of mitigation.

Mr. Febiger inquired as to pavers for the driveway and Jill stated yes.

Mr. Feener notes a 2 yr. mortality rate re: mitigation.

**PUBLIC COMMENT:** none/closed.

Mr. Gulla inquired as to a dumpster and Ms. Ryder notes it as being on the updated plan.

Ms. Jackson states she will entertain a motion with stipulations of 225 sq. ft. of mitigation using natural plantings and specifically noted were berry plants. This approval is pending DEP comments.

**MOTION:** Mr. Feener moves to continue the matter to 09/19/07 re: the above stipulations.

**SECOND:** Mr. Frontiero **VOTE:** 5-0 all in favor



**27 KONDELIN ROAD** (Map 197, Lot 14)

NoI filing under the City of Gloucester Wetlands Ordinance only, submitted by Ralph Hobbs to construct a paved outdoor storage area, a retaining wall and a storm water system with associated grading.

Ms. Alisha Raditz present for the applicant. She notes the filing to the Eng. Dept was done.

Ms. Ryder notes that the third party review re the draft of the scope of work was emailed.

Ms. Jackson states that the applicant will provide information for 3<sup>rd</sup> party review.

Ms. Raditz notes 13 items in relation to the document that the GCC is reviewing at this time.

Ms. Raditz asks if a copy should be sent to Shellfish and Ms. Ryder recommends that she does.

The points discussed out of 29 were as follows:

5, 6, 7, 8, 11, 12, 13, 21, 22, 23, 24, 27 and 28. All members of the GCC have a copy of the points to review that are in discussion at this point.

Mr. Febiger notes no. 11 asking if it is limited to the site or the whole resource area and Ms. Raditz states that is up to the discretion of the GCC with Mr. Febiger stating that he would like both.

Ms. Ryder recommends an estimate on the analysis to see if the information is relevant.

Mr. Febiger notes that a lot of buffer zone around the WL is affected.

It was noted that not under no. 11 but under no. 3, with 3 being reworded: assessment of setback to altered areas around the WL in common with the proposed project.

PUBLIC COMMENT: none/closed.

Ms. Ryder discussed the peer review information and legal language was submitted.

William Manuell will not take this on as a 3<sup>rd</sup> party until legal amended wording is in place. Ms. Ryder noted others on the list.

Further discussion was had regarding peer review and the conflict for Mr. Manuell.

Mr. Gulla agreed it looks like a conflict.

Jeff Andrews, WL Preservation states that someone else in our company who does not have a project currently before the GCC can be a peer reviewer but not appear before another year.

Ms. Jackson noted the pond on site re: point no. 15 with Ms. Ryder noting that the 3<sup>rd</sup> party reviewer will do that.

Ms. Raditz noted wanting more time for additions to the list of peer review individuals who will do it. She would like to continue this matter to 09/19/07 for the purpose of selecting a 3<sup>rd</sup> party review.

Mr. Febiger notes point # 25 to be edited with Ms. Ryder noting the additional verbage.

Ms. Ryder notes that she will make revisions as suggested.

Ms. Jackson states she will entertain a motion for continuance for 3<sup>rd</sup> party review selection, Shellfish notification and revisions to be made by the Agent regarding the 13 points.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Febiger      VOTE: 5-0 all in favor

**16 CONONICUS ROAD** (Map 231, Lot 13)

NoI submitted by Alcock Realty Trust to raze and rebuild a dwelling on an existing foundation and construct a detached garage.

Mr. John Judd, Prof. Eng. Gateway Consult. present as well as Mr. Alcock.

Mr. Judd notes revised copies for the GCC submitted 08/21/07 with a cover letter noting the revisions. The revisions were noted and discussed with the GCC.

Mr. Judd noted the roof line mitigation for drainage as being crushed stone.

Ms. Ryder notes blasting information for Mr. Judd.

Photos were submitted by the landowner with Mr. Judd stating that historic photos were submitted.

The Agent notes that she will copy the photos for each GCC member.

Mr. Judd states that there are no DEP comments.

The Agent notes that Mr. Judd will submit 6 copies and she will copy the alternatives analysis to the GCC members.

**PUBLIC COMMENT:** none/closed.

Ms. Jackson notes that we are waiting on Engineering and Shellfish.

Mr. Gulla inquires as to the drip edge and crushed stone with Mr. Judd stating dimensions of 6 inches deep and 2 ft. wide.

Ms. Jackson states she will entertain a motion to continue the matter to 09/19/07 at 8:30 PM for further information from Eng. and Shellfish.

**MOTION:** Mr. Febiger moves to continue the matter to the above date and time.

**SECOND:** Mr. Frontiero

**VOTE:** 5-0 all in favor.

**25 WINGAERSHEEK ROAD** (Map 257, Lot 250)

NoI submitted by Samuel Saccardo to construct a residential dwelling and garage with associated driveway, grading and utilities.

John Judd, Gateway Consulting present rep. the applicant.

Mr. Samuel Saccardo, applicant present as well.

Mr. Judd notes that there are no plan changes since the last meeting. He notes a letter from National Heritage stating that there is no impact to rare and endangered species.

The GCC is to review the Peabody Decision.

The Agent notes that she has nothing new to add and that the regulations have been outlined. She notes that State regulations are far more strict than the Local Ord. and that the state regulations should be the guide.

Chip Nyland, Atty for the applicant explains how the Peabody Decision affects the property.

Mr. Gulla asks why would DEP give us this decision if they did not feel it was related with Mr. Nyland stating he has had no conversations with DEP re: this particular plan.

Mr. Gulla states that we have an issue re: dune and primary dune.

Ms. Ryder reads information re: barrier beaches, dunes and laws relating to each.

Mr. Nyland discusses dunes and the dune in question in relation to the property on the plan.

Ms. Ryder states that the WL Prot. Act notes the 1<sup>st</sup> dune, but ALL coastal dunes, it says ANY.

The GCC needs to determine re: coastal dunes:

waves removing sand from the dunes, disturbance of vegetative cover to disturb the dunes, any modification for storm water or flood damage and surf or land movement of

the dune. the causing of the removal of sand artificially and interference of the resource habitat.

The Agent states that she feels she is not qualified to make a recommendation.

Ms. Jackson notes that what needs to also be addressed is how the structure will affect the dune. All parties of the GCC agree.

Ms. Ryder inquires as to any chance of mowing up by the leech field with Mr. Gulla thinking the opposite and noting the area near the driveway.

Ms. Ryder notes that the gravel driveway is a structure that impedes the flow of sand. The driveway does not meet the performance standards and notes 2 boxes.

There is more vegetation on site than before. The driveway and boxes are the only outstanding issues.

Mr. Gulla notes his agreement re: the boxes and saving the trees but feels the location is in question.

Ms. Ryder notes that the trees will provide more than the 2 boxes will. She notes that because the 2 boxes are cement structures you cannot meet the Performance Standards.

Mr. Gulla states that he will be on site re: the cement boxes.

Mr. Febiger asks how the owners of the property will respect the concerns noted.

Ms. Ryder suggests skipping the construction of the garage and have a walkway to the house.

Mr. Gulla noted his concern regarding migration of the dunes and in relation to the driveway, do we allow clearing of it.

Mr. Judd notes Mr. Saccardo conceded to the garage with a smaller structure.

Mr. Nyland notes that the applicant has responded to all the GCC has brought forward.

Mr. Febiger asks if there is no driveway would vehicles still be allowed in that area.

Ms. Ryder states that particular aspect of the plan is not good as it would disturb vegetation.

Mr. Nyland states that the best thing would be to put in a driveway and channel the flow.

Ms. Ryder states that she does not think they can meet the Performance Standards.

Ms. Jackson notes that she thinks that there are ways to address this in some manner.

She is leaning towards a limit of X number of ft. in. One inch equals 20 ft. on the plan.

Noted: a 20x20 garage: 2 cars wide. 20x40 would give room for 4 cars.

Ms. Ryder notes: 30 ft. from the property line with Mr. Gulla stating 20 ft. wide.

Mr. Nyland inquires as to the type of walkway path and Ms. Ryder recommended a floating boardwalk.

Ms. Ryder notes the WL area as being isolated.

Mr. Nyland inquired as to it being a problem putting the garage back with Ms. Ryder noting it as putting the garage back and having the same size structure.

It was noted that the impact would be greater with 2 separate structures.

Mr. Gulla if you have the garage then reduce the size of the house OR with no garage the size of the house remains.

Mr. Judd states that a revised plan will be submitted.

#### PUBLIC COMMENT:

Mr. John O'Brien asks how far away from the isolated WL does this need to be as there is lots of poison ivy in the area.

Mr. Gulla notes that as part of the building process some of the poison ivy will be destroyed and will be noted as part of the 2 to 1 mitigation plan.

Mrs. O'Brien states that she though this area was not a buildable site.

Ms. Jackson notes the importance of the dunes but states that some factors do not interfere with the dunes.

Ms. Ryder notes that DEP makes a determination based on the same information that we have. Mr. O'Brien asks if DEP has responded with Ms. Ryder stating that they don't have to respond.

Ms. O'Brien states that she would think that DEP would be interested as this is a new project and not an existing one.

Ms. Jackson states that we take all that into consideration.

Mr. Gulla notes that anyone can go online and view the DEP comments.

Mr. Judd notes that he has comments from DMFW, MEESA and WPA.

Mr. Gulla notes that many agencies submit their comments if they have any.

**CLOSED**

Ms. Jackson states she will entertain a motion to continue the matter to 09/19/07 for further revisions.

**MOTION:** Mr. Febiger moves to continue the matter to the above date and time.

**SECOND:** Mr. Frontiero      **VOTE:** 5-0 all in favor.

Mr. Gulla notes to the O'Brien's that any comments should be in writing and submitted for the record.

**281R MAGNOLIA AVENUE** (Map 206, Lot 9)

Notice of Resource Area Delineation submitted by Willard Perkins for Hearthstone Realty Corporation.

Ms. Ryder notes no comments from DEP.

Mr. Jeff Andrews, rep the applicant summarizes the plan for the GCC and notes that Mr. Michael Marcos is available from New Eng. Environmental to review the sight.

Ms. Ryder notes that she has confidence in Mr. Marcos. She will draft a scope of services to be approved by the GCC and to be submitted.

**MOTION:** Mr. Febiger moves to approve the selection of Mr. Marcos for 3<sup>rd</sup> party review

**SECOND:** Mr. Feener      **VOTE:** 5-0

A further motion was entertained to authorize the Agent to draft the scope of work for the 3<sup>rd</sup> party review with GCC input and to determine the findings.

**MOTION:** Mr. Feener moves to continue the matter to 09/19/07 9:30 PM

**SECOND:** Mr. Febiger      **VOTE:** 5-0 all in favor

**607 WESTERN AVENUE AND 171 MAGNOLIA AVENUE** (Map 199, Lots 11 and 13. Map 198, Lot 20)

Notice of Resource Area Delineation submitted by Michael Maynard for Magnolia Co. Limited Partnership.

Mr. Jeff Andrews present rep. the applicant.

He notes the delineation of the WL on the adjacent parcel along with the BVW and isolated WL and an intermittent stream. He further noted the isolated vegetated WL and an extensive area along Magnolia Ave. with BVW and an isolated WL as well.

3<sup>rd</sup> Party review was discussed with Ms. Ryder noting that she can draft the scope of work. This is under review with DEP with no comments as of yet.

Ms. Jackson states she will entertain a motion to approve Mr. Michael Marcos as the 3<sup>rd</sup> party review, the scope of work by the Agent, input from members of the GCC and review of DEP comments, if any, to be continued to 09/19/07

PUBLIC COMMENT:

Ms. Karen Rieck asks what the GCC is planning to do

Ms. Jackson notes the GCC is looking simply at the delineation with no plans for houses, just where the resource areas are located.

CLOSED

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Frontiero                      VOTE: 5-0 all in favor

**220 MAGNOLIA AVENUE** (Map 207, Lot 37)

Request for determination submitted by Ravenwood Realty Trust for a single family home construction and related including a septic system, driveway and boulder retaining walls.

John Judd, Gateway Consult rep. the applicant states that there is a WL area across the street with no WL on this property. He notes that there is no DEP number as of yet.

Ms. Ryder states that she has no issues and no concerns but would like the opportunity to walk the WL boundary but that should not hold up the project.

It was noted that the driveway was moved to Kondelin Rd. and paved.

Mr. Gulla notes that the majority of the project is outside the buffer zone.

The GCC reviews the plan.

PUBLIC COMMENT: none/closed.

Ms. Jackson states she will entertain a motion for neg. determination with conditions as follows: the driveway is to be crowned to deflect drainage and Eng. approval is needed.

Ms. Ryder will do a site walk to determine the adjacent WL.

MOTION: Mr. Febiger moves to continue the matter to 09/19/07 at 7:05 for probable approval

SECOND: Mr. Feener                      VOTE: 5-0 all in favor.

**283 EAST MAIN STREET** (Map 80, Lot 41) **NEW**

Request for Determination submitted by Kyle Kuvalanka for landscaping activities.

John Judd, Gateway Consult. rep. the applicant Mr. Kuvalanka present as well.

The plan was viewed by the GCC.

Mr. Judd states that Mr. Kuvalanka would like to landscape and a detailed plan was submitted.

A blue stone terrace is proposed with the existing stairs to be replaced with stairs along the back made of wood. Existing stones to be used in re: the coastal bank.

Plantings were noted on the plan and were discussed with the GCC.

PUBLIC COMMENT: none/closed.

MOTION: Mr. Febiger moves for a negative determination (2A, 5, 3)

SECOND: Mr. Feener                      VOTE: 5-0 all in favor.

**13A PAGE STREET** (Map 74, Lots 34 and 48) **NEW**

Request for determination submitted by the Estate of Jean Morton for Title 5 upgrade, installation of a holding tank.

John Judd, Gateway Consult. rep. the Estate of Jean Morton noted that this is a solution to a failed system. The sewer is to go down Page Street.

He wants to go with a temporary tight tank.

Ms. Ryder warns Mr. Judd not to allow dumping the sump into the WL.

PUBLIC COMMENT: none/closed.

Ms. Jackson states she will entertain a motion for neg. determination with a condition that the sump not be directed to the WL.

MOTION: Mr. Feener moves for neg. determination

SECOND: Mr. Febiger                      VOTE: 5-0 all in favor.

### **LOWER VIVIAN SWAMP   NEW**

Request for Determination submitted by the City of Gloucester Department of Public Works for the New England Wildflower Society, for control of invasive glossy buckthorn in Lower Vivian Swamp in Dogtown Common.

John Burns, Plant Conservation Volunteer present states that the plant species in question, an Orchid is pretty rare and only 15 have been sited in the state. Three of the plants in this particular area are flowering.

There are invasives all over the WL as well as Red Maple. We would like to cut out the hardwood species. He notes that they would like to use a herbicide called Ro-de-o.

He would like cutting and the stems sprayed. The area up for discussion is approx. 100x200ft. Photo shown and viewed by the GCC.

The saplings that are to be removed are approx. 12 to 15 ft. high.

He notes National Heritage stating that they asked to include all larger woody species, just in this small area. He explains light and nutrients in regards to the particular rare species to be saved.

Mr. Febiger inquires as to the current use of the land with Mr. Burns stating it is part of Dogtown.

Ms. Jackson inquired as to how precise the spraying would be and Mr. Burns stated that the herbicide is dyed purple and is directly spritzed with a rag around the sprayer to control the direction of spray. This would be a State Certified WL Herbicide.

He notes Ro-de-o and/or Glypo. herbicides to be used.

The areas are to be flagged in advance.

Mr. Feener notes the plan to include monitoring with Mr. Burns stating volunteers will be in place to observe the site each year.

National Heritage has not given everything they want to submit in writing with some changes. Weed wrenches were mentioned but Mr. Burns does not want to use that as it is too disruptive. A long range management plan would work so that we do not have to keep coming back to the GCC for this. The area would be monitored to at least 2012.

Ms. Jackson notes the taking of the buckthorn but the Red Maples to be taken should be in a small area around the rare species.

Mr. Feener noted that selective pruning is possible.

Ms. Jackson states she will entertain a motion.

Mr. Feener states that he would like to see the Orchid.

Noted: DEP, a site visit, report from National Heritage, information review and an updated plan to be sent with a maintenance plan.

MOTION: Mr. Feener moves to continue the matter to 09/19/07 7:05 PM

SECOND: Mr. Frontiero                      VOTE: 5-0 all in favor

## **LETTER PERMITS**

### **167 MAGNOLIA AVENUE**

Ms. Ryder briefs the GCC on this matter stating that the work appears to be outside jurisdiction based on a field visit, but is within as shown on the City of Gloucester WL guidance map. The delineation is not confirmed.

**30 ROCKPORT ROAD** was discussed.

**GOOD HARBOR BEACH** – Ms. Ryder states maybe an RDA or let it go. Engineering noted a permit being necessary.

**DORSET DRIVE BEAVER DAM**- NoI re: beaver brook.

Removal request by ECGB. Dave Rimmer requests a site visit w/2 of the GCC members.

Ms. Jackson states she will entertain a motion to adjourn the meeting.

**MOTION**: Mr. Feener      **SECOND**: Mr. Frontiero      **VOTE**: 5-0 all in favor  
Meeting adjourned.

Respectfully submitted,

Carol A. Gray  
Recording Clerk